

CLERKS OFFICE US DISTRICT COURT
AT ROANOKE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

February 28, 2025
LAURA A. AUSTIN, CLERK
BY: /s/ S. Wray
DEPUTY CLERK

UNITED STATES OF AMERICA,

)

Plaintiff,

) Case No. 7:19-cv-354

v.

) By: Michael F. Urbanski

SOUTHERN COAL
CORPORATION et al.,

) Senior United States District Judge

Defendants.

ORDER

This matter is before the court on the United States of America's motion for civil contempt due to the failure of defendants, Southern Coal Corporation et al., to pay the remaining balance of the \$5,130,125.47 that they agreed to pay in full by March 1, 2024, to resolve Mine Safety and Health Act violations. ECF No. 56. Specifically, the United States has asked the court to find defendants in civil contempt of the Consent Judgment in this matter, ECF No. 45, and the Court's Order Compelling Compliance with the Consent Judgment, ECF No. 54. As of the date of this order, defendants still owe \$284,014.53. ECF No. 72.

An evidentiary hearing was held, though not completed, on February 25, 2025, in order for the court to assess defendants' ability to pay. ECF No. 69. The hearing was scheduled to resume on February 28, 2025. ECF No. 71. In the meantime, on February 27, 2025, the parties filed a joint stipulation agreeing that defendants and non-party debtor Bluestone Coal Corporation will pay the remaining debt they owe to the United States on or before May 1, 2025. ECF No. 72.

In light of the parties' agreement and following a hearing held on February 28, 2025, ECF No. 73, the court will **DENY** the motion for civil contempt **WITHOUT PREJUDICE** to the motion being renewed on or after May 1, 2025. The court **GRANTS** the United States leave to refile its civil contempt motion should defendants fail to meet their obligations on or after May 1, 2025.

It is **SO ORDERED**.

Entered: February 28, 2025



Michael F. Urbanski
Senior United States District Judge